

Registered No. P. 97

रजिस्टर्ड नं० पौ० १७



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राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 28 दिसम्बर, 1963/7 पौष, 1885

GOVERNMENT OF HIMACHAL PRADESH CIVIL SUPPLIES DEPARTMENT

NOTIFICATION/ORDER

Simla-4, the 21st November, 1963

No. 17-24/63-CS-I.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Act No. 10 of 1955) read with the order of the Government of India in the Ministry of Food and Agriculture (Department of Food) No. G.S.R. 888 dated the 28th June, 1961, and with the prior concurrence of the Central Government, the Administrator (Lieutenant Governor), Himachal Pradesh, is pleased to make the following order, namely:—

1. *Short title, extent and commencement.*—(i) This order may be called the Himachal Pradesh Khandsari and Gur Dealers Licensing Order, 1963.

- (ii) It extends to the whole of Himachal Pradesh.
(iii) It shall come into force at once.

2. *Definitions.*—In this order, unless the context otherwise requires:—

- (a) ‘Dealer’ means a person or institution engaged in the business of purchase, sale or storage for sale, of khandsari or gur or both in quantities exceeding 10 quintals at any one time, but does not include an industrial undertaking which is engaged in the

- manufacture or production of khandsari or gur and which is registered or licensed under the Industries (Development and Regulation) Act, 1951;
- (b) 'Director' means the Director, Civil Supplies, Himachal Pradesh or any other officer appointed by the State Government to administer this order;
 - (c) 'Form' means a form set forth in the schedule to this order;
 - (d) 'Licensing authority' means an officer appointed by the State Government to exercise the powers and perform the duties of the licensing authority under this order;
 - (e) 'State Government' means the Government of Himachal Pradesh;
 - (f) 'Khandsari' means sugar in the manufacture of which neither a vacuum pan nor a vacuum evaporator is employed;
 - (g) 'Gur' means the article commonly known as gur, gul, jaggery shakkar and rab and includes uncrystallised sugar in any other form comprising of original and convertible molasses and other impurities inherent or foreign prepared by boiling cane juice.

3. Licensing of dealers.—(i) After fifteen days of the publication of this order in the Official Gazette, no person or institution shall carry on business as a dealer, except under and in accordance with the terms and conditions of a licence issued in this behalf by the licensing authority.

(ii) A separate licence shall be necessary for each place of business:

- Provided that a separate licence shall not be required by a licensee when purchases or sales are effected through another licensee holding a licence under this order for the place where the transaction takes place.

(iii) For the purpose of this clause, any person or institution who stores khandsari or gur or both in any quantity exceeding 10 quintals at any one time shall, unless the contrary is proved, be deemed to store khandsari or gur or both as the case may be, for the purpose of sale.

4. Issue of licence.—(i) Every application for a licence or renewal thereof shall be made to the licensing authority in Form 'A'.

(ii) Every licence issued or renewed under this order shall be in Form 'B' and shall be subject to the conditions specified therein.

5. Period of licence and fees chargeable.—(i) Every licence issued under this order shall be valid from the date of issue for the period ending the 31st December following and may thereafter be renewed for a further period of one year at a time.

(ii) The fees specified below shall be chargeable in respect of each licence, namely:—

For issue of a licence	Rs. 5.
For renewal of a licence	Rs. 2.
For issue of a duplicate licence	Rs. 10:

Provided that no licence fee shall be charged for the period ending 31st December, 1963, from the dealers who are licensed under the Himachal Pradesh Sugar Dealers Order, 1963:

Provided further that no fee shall be charged for issue of a duplicate licence, if the licensing authority is satisfied that the original licence has become defaced, mutilated, illegible or otherwise rendered useless for no fault of the licensee.

6. Power to refuse licence.—The licensing authority may, after giving the dealer concerned an opportunity of stating his cases in writing and for reasons to be recorded in writing refuse to grant or renew a licence.

7. Contravention of conditions of the licence.—No holder of a licence issued under this order or his agent or servant or any other person acting on his behalf shall contravene any of the terms or conditions of the licence and if any such holder or his agent or servant or any other person acting on his behalf contravenes any of the said terms or conditions, then, without prejudice to any other action that may be taken against him his licence may be cancelled or suspended by order, in writing, of the licensing authority:

Provided that no order shall be made under this clause unless the licensee has been given reasonable opportunity of stating his case in writing against the proposed cancellation or suspension.

8. Appeal.—(i) Any person aggrieved by any order of the licensing authority refusing to issue or renew a licence or cancelling or suspending a licence under the provision of this order may appeal to the Director within 30 days of the date of the receipt by him of such order.

(ii) No order shall be passed in appeal unless the aggrieved person has been given a reasonable opportunity of stating his case in writing or in person.

(iii) Pending the disposal of the appeal, the State Government may direct that the order refusing to renew a licence or the order cancelling or suspending a licence shall not take effect until the appeal is disposed of.

9. Powers of entry search, seizure etc.—(i) The licensing authority or any other officer authorised by the State Government in this behalf may, with such assistance, if any, as he thinks fit:—

- (a) require the owner, occupier or any other person in charge of any place, premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any licence issued thereunder has been, is being or is about to be committed, to produce any books, accounts or other documents showing transactions relating to such contraventions;
- (b) enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any licence issued thereunder has been, is being, or is about to be committed;
- (c) take or cause to be taken extracts from or copies of any documents showing transactions relating to such contraventions which are produced before him;
- (d) search, seize and remove stocks of khandsari/gur and the animals, vehicles, or other conveyance used in carrying the said khandsari and gur in contravention of the provisions of this order, or of the conditions of the licence issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of khandsari and gur and the animals, vehicles, vessels or other conveyances so seized, in a court and for their safe custody pending such production.

(ii) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure shall so far as may be, apply to searches and seizures under this clause:

Provided that in exercising the powers of entry and search under this clause, due regard shall be paid by the licensing authority or the authorised officer, as the case may be, to the social and religious customs of the occupants of premises so entered and searched.

10. Saving.—Nothing in this order shall apply to:—

- (i) the sale or storage for sale or purchase of khandsari and gur on Government account; and
- (ii) the sale by banks of stocks of khandsari and gur hypothecated to them provided that the khandsari and gur is sold in accordance with the terms and conditions applicable to the hypothecators.

FORM 'A'

[See Clause 4(i)]

THE HIMACHAL PRADESH KHANDSARI AND GUR DEALERS LICENSING ORDER, 1963

APPLICATION FOR LICENCE

1. Applicant's name.....
2. Applicant's profession.....
3. Applicant's residence.....
4. Situation of applicant's place or places of business with particulars as to number of house, Mohalla, Town or Village, Police Station and District.....
5. How long the applicant has been trading in khandsari/gur?.....
6. Did the applicant hold a khandsari/gur licence on any previous occasion? (If so, give particulars including its suspension or cancellation, if any).....
7. Quantities of khandsari/gur handled annually during the last one year (November-October).....
8. Income-tax paid in the two years preceding the year of application (to be indicated separately):
 1.
 2.
9. Quantity of khandsari/gur in the possession of the applicant on the date of application and the places at which the different quantities are kept.....
10. I declare that the quantities of Khandsari/Gur specified above are in my possession this day and are held at the places noted against them.

I have carefully read the conditions of licence given in Form 'B' appended to the Himachal Pradesh Khandsari and Gur Dealers Licensing Order, 1963 and I agree to abide by them.

- *(a) I have not previously applied for a licence in this District under this order,
- *(b) I applied for such licence in this Directorate..... on..... and was/was not granted a licence on.....
- *(c) I hereby apply for renewal of licence No..... dated..... issued to me on.....

PLACE.....

DATE.....

Signature of the applicant.

*Strike off the clauses not applicable.

FORM 'B'

[See Clause 4(ii)]

THE HIMACHAL PRADESH KHANDSARI AND GUR DEALERS LICENSING ORDER, 1963

LICENCE FOR PURCHASE, SALE OR STORAGE OF KHANDSARI/GUR FOR SALE

Licence No.....

1. Subject to the provisions of the Himachal Pradesh Khandsari and Gur Dealers Licensing Order, 1963 and to the terms and conditions of this licence..... is/are hereby authorised to purchase, sell or store khandsari/gur for sale.

2. The licensee shall carry on the aforesaid business at the following places:

.....
.....
.....

3. (i) The licensee shall maintain a register of daily accounts for khandsari/gur showing correctly:—

- (a) the opening stock on each date;
- (b) the quantities received on each day showing the place from where and the source from which received;
- (c) the quantities delivered or otherwise removed on each day showing the places of destination; and
- (d) the closing stock on each date.

(ii) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause the burden of proving which shall be upon him.

(iii) Separate registers should be maintained for khandsari and gur.

4. The licensee shall submit to the licensing authority concerned a true return, in Form 'C' of the stocks, receipts and deliveries of each of the khandsari/gur every fortnight (1st to 15th and 16th to end of the month) so as to reach him within five days after the close of the fortnight.

5. The licensee shall not contravene the provisions of the Himachal Pradesh Sugar Dealers Licensing Order, 1963 or any other order relating to foodstuffs issued under the Essential Commodities Act, 1955 (10 of 1955).

6. The licensee shall not contravene the provisions of any law relating to foodstuffs for the time being in force.

7. The licensee shall not:—

- (i) enter into any transaction involving purchase, sale or storage for sale of sugar in speculative manner prejudicial to the maintenance and easy availability of supplies of sugar in the market;
- (ii) withhold from sale supplies of sugar ordinarily kept for sale; and
- (iii) charge, in respect of sales of sugar made by him, a margin of profit at a rate in excess of any maximum rate of margin fixed for wholesale transactions in sugar by a representative body of sugar dealers for the locality concerned.

8. The licensee shall issue to every customer a correct receipt or invoice, as the case may be giving his own name, address and licence number, the name, address, the licence number (if any) of the customer, the date of transactions, the quantity sold, the price per quintal and the total amount

charged and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any other officer authorised by him in this behalf.

9. The licensee shall give all facilities at all reasonable time to the licensing authority or any officer authorised by the State Government for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage, sale or purchase of khandsari/gur and for the taking of samples of khandsari/gur for examination.

10. The licensee shall comply with any direction that may be given to him by the State Government or the licensing authority in regard to purchase, sale and storage for sale, of khandsari and gur and in regard to the language in which the register, returns, receipts or invoices mentioned in paragraphs 3, 4 or 5 shall be written and the authentication and maintenance of the register mentioned in paragraph 3.

11. This licence shall be attached to any application for renewal.

12. This licence shall be valid upto.....

PLACE.....

*Signature and Designation of the
officer issuing the Licence.*

FORM 'C'

FOR USE BY A DEALER

(See Condition 4 of Form 'B')

Return of stocks, receipts and sales of Khandsari/Gur for the fortnight ending.....

Name.....

No. of Licence.....

Address.....

Particulars of godowns where stock held and quantity of stock in each quality of Khandsari/Gur in stock:

Particulars of godowns	Quantity in stock (Bags/quintals)	Remarks if any
------------------------	-----------------------------------	----------------

1.

2.

3.

1. Stock at the beginning of the fortnight:

(a) actually with the licensee.....bags/quintals;

(b) pledged with any person or institution such as a Bank or Co-operative Society.....bags/quintals.

Total.....bags/quintals.

2. Quantity purchased during the fortnight:

Name of dealer from whom purchased	Kind (Khandsari/ Gur)	Quantity in bags/quintals
------------------------------------	--------------------------	------------------------------

(i)

(ii)

(iii)

(iv)

3. Quantity received out of quantity purchased:

From (Name of dealer)	Kind (Khandsari/Gur)	Quantity (in bags/ quintals)	Date of pur- chase
(i)			
(ii)			
(iii)			
(iv)			
	TOTAL	

4. Quantity sold:

(a) Quantity sold/and delivered, removed during the fortnight.....
bags/quintals.

(b) Quantity sold but not yet delivered.....bags/quintals.
Total sold.....bags/quintals.

5. Stock at the end of the fortnight:

(a) actually with the licensee—

(i) unsold.....
(ii) sold but awaiting delivery.....

(b) pledged with any other person or institution such as a Bank or
Co-operative Society.....

Total.....

To

The Licensing Authority,.....District.

Signature.

By order,
S. M. GOYAL,
Joint Secretary.

**PRINTED AND PUBLISHED IN INDIA BY THE CONTROLLER PRINTING & STATIONERY
HIMACHAL PRADESH SIMLA-3.**